

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CADLEWAY PROPERTIES, INC.,

Plaintiff,

CIVIL CASE NO. 04-40225

v.

C.J. USA, INC., f/k/a BETZ
TRUCKING, INC., C.J. HOLDING
COMPANY, INC., JAMES G. BETZ,
CHARLES BOSNYAK, JOHN YATES, and
CECIL FIELDER,

HONORABLE PAUL V. GADOLA
U.S. DISTRICT JUDGE

Defendants.

_____/

ORDER GRANTING PLAINTIFFS' MOTION FOR DEFAULT JUDGMENT

On June 1, 2005, the Clerk of the Court entered a default as to Defendants Charles Bosnyak, C. J. Holding Company, Inc., and John Yates. Now before the Court is Plaintiff's motion for entry of default judgment against these three Defendants, filed on May 10, 2005. See Fed. R. Civ. P. 55(b)(2). No response opposing the motion has been filed. See E.D. Mich. Local R. 7.1(b) ("A respondent opposing a motion must file a response, including a brief and supporting documents then available."); E.D. Mich. Local R. 7.1(d)(1)(B) ("A response to a dispositive motion must be filed within 21 days after service of the motion.").

The motion for default judgment states that Defendants Charles Bosnyak, C. J. Holding Company, Inc., and John Yates were served with the summons and complaint by personal service in accordance

with Fed. R. Civ. P. 5(f)(1). Defendants C. J. Holding Company, Inc., and John Yates were served on November 2, 2004, and Defendant Charles Bosnyak was served on December 2, 2004. Despite being served, these three defendants have failed to appear in this action.

The default judgment will renew a consent judgment entered against these three defendants on April 13, 1993. As of March 10, 2003, the sum of \$142,899.86 is due and owing. Consequently, for the reasons stated in the motion, supporting documents, and the complaint, the Court will grant Plaintiff's motion.

ACCORDINGLY, IT IS HEREBY ORDERED that Plaintiff's motion for entry of default judgment [docket entry 15] is **GRANTED**.

SO ORDERED.

Dated: June 24, 2005

s/Paul V. Gadola
HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on June 27, 2005, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Cheryl D. Cook, Craig S. Schoenherr, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: _____.

s/Tammy Hallwood

Tammy Hallwood, Deputy Clerk
(810) 341-7845